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10/635,460

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EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT

PAPER NUMBER

2625

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DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,460

Applicant(s)

WIECHERS ET AL.

Examiner

Lennin R. Rodriguez

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/07/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Other Documents section in the information disclosure statement filed 8/07/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the articles provided does not contain or have an accessible way to determined the articles' date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2. The abstract of the disclosure is objected to because it contains improper language such as:

(1) "comprises" used in line 4.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A "program product" is being recited; however a "program product" as presented in the claims is directed to software per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. Software is a function descriptive material and a function descriptive material is non-statutory subject matter. Examiner suggest changing it to – program product stored in a computer readable medium --.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-6, 11-12, 15-17, 19-20, 25-26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Roztocil et al. (US Publication 2001/0044868).

(1) regarding claim 1:

Roztocil '868 discloses a method of managing workflow in a commercial printing environment including a designer location and a print service provider location (Fig.1), said method comprising:

creating a press ready file at the designer location using updated device configuration information from the print service provider location (paragraph [0027], lines 18-24, where the creation of the print ready file is done at the designer location (customer location paragraph [0022]) using device configuration information (the device configuration information at some point in time has to be updated into the system)) including performing an automated preflight check of the press ready file to identify errors in said press ready file (paragraph [0048], lines 1-6, where the job preparation includes job preparation stations (paragraph [0029]) and these at the same time performs the preflight check (paragraph [0030], lines 9-14, where the stations have capabilities to fix errors previously identified));

submitting said press ready file to the print service provider location via an electronic network (paragraph [0022], lines 8-13); and

performing at least one of automated printing, finishing (paragraph [0045], lines 1-6), packaging and shipping using said press ready file.

(2) regarding claim 2:

Roztocil '868 further discloses said method further comprises a step of verifying, at said print service provider location, that said press ready file will be produced at said print service provider location as designed at the designer location and, if not, correcting said press ready file to ensure production substantially as designed (paragraph [0030], lines 9-14, where if the job preparation stations can be used to correct and prevent inaccuracies in the finished output).

(3) regarding claim 3:

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Roztocil '868 further discloses wherein said identified errors are automatically corrected at said designer location (paragraph [0030], lines 15-24, where the errors are being corrected at the designer location).

(4) regarding claim 5:

Roztocil '868 further discloses wherein said errors comprise at least one of: paper mismatch between press ready file and selected press at print service provider location, ink mismatch between press ready file and selected press at print service provider location, missing imposition instructions, missing imposition proofing file, missing imposition proofing approval (paragraph [0030], lines 9-24, where the binder's creep caused an error in the imposition signature, thus missing the imposition proofing approval), missing remote printing file and missing contract proof approval.

(5) regarding claim 6:

Roztocil '868 further disclose wherein said errors comprise at least one of: inappropriate finishing device attached to selected press at print service provider location, nonfunctional selected finishing device, selected finishing device incapable of performing required tasks (paragraph [0045], lines 1-6, 30-34, where when the finishing device cannot handle some feature, it signal the operator to perform the steps necessary to overcome the problem), missing finishing instructions and missing finishing mock-up file.

(6) regarding claim 11:

Roztocil '868 further discloses wherein said step of creating a press ready file at the designer location further comprises performing automated remote imposition setup

of said press ready file to remotely arrange a plurality of design pages of said press ready file onto one or more print pages (paragraph [0030], lines 9-24, where the blinder's creep, which is the inaccuracies of the imposition, is being prevented by shifting the image and arranging it in pages of a job).

(7) regarding claim 12:

Roztocil '868 further discloses wherein said step of creating a press ready file at the designer location further comprises performing automated remote finishing setup of said press ready file to remotely select the desired finishing options for said press ready file when printed at said print service provider location to prepare finishing instructions to effect the same (Fig. 3 and Fig. 4, paragraph [0079], where the graphic user interface is allowing the designer to select the desired finishing options).

(8) regarding claim 15:

Roztocil '868 further discloses a program product for managing workflow in a commercial printing environment including a designer location and a print service provider location, said product comprising machine-readable program code for causing, when executed, a machine to perform the following method steps (paragraph [0036], lines 1-4):

creating a press ready file at the designer location using updated device configuration information from the print service provider location (paragraph [0027], lines 18-24, where the creation of the print ready file is done at the designer location (customer location paragraph [0022]) using device configuration information (the device configuration information at some point in time has to be updated into the system))

including performing an automated preflight check of the press ready file to identify errors in said press ready file (paragraph [0048], lines 1-6, where the job preparation includes job preparation stations (paragraph [0029]) and these at the same time performs the preflight check (paragraph [0030], lines 9-14, where the stations have capabilities to fix errors previously identified));

submitting said press ready file to the print service provider location via an electronic network (paragraph [0022], lines 8-13); and

performing at least one of automated printing, finishing (paragraph [0045], lines 1-6), packaging and shipping using said press ready file.

(9) regarding claim 16:

Roztocil '868 further discloses said method further comprises a step of verifying, at said print service provider location, that said press ready file will be produced at said print service provider location as designed at the designer location and, if not, correcting said press ready file to ensure production substantially as designed (paragraph [0030], lines 9-14, where if the job preparation stations can be used to correct and prevent inaccuracies in the finished output).

(10) regarding claim 17:

Roztocil '868 further discloses wherein said identified errors are automatically corrected at said designer location (paragraph [0030], lines 15-24, where the errors are being corrected at the designer location).

(11) regarding claim 19:

Roztocil '868 further discloses wherein said errors comprise at least one of: paper mismatch between press ready file and selected press at print service provider location, ink mismatch between press ready file and selected press at print service provider location, missing imposition instructions, missing imposition proofing file, missing imposition proofing approval (paragraph [0030], lines 9-24, where the binder's creep caused an error in the imposition signature, thus missing the imposition proofing approval), missing remote printing file and missing contract proof approval.

(12) regarding claim 20:

Roztocil '868 further discloses wherein said errors comprise at least one of: inappropriate finishing device attached to selected press at print service provider location, nonfunctional selected finishing device, selected finishing device incapable of performing required tasks (paragraph [0045], lines 1-6, 30-34, where when the finishing device cannot handle some feature, it signal the operator to perform the steps necessary to overcome the problem), missing finishing instructions and missing finishing mock-up file.

(13) regarding claim 25:

Roztocil '868 further discloses wherein said step of creating a press ready file at the designer location further comprises performing automated remote imposition setup of said press ready file to remotely arrange a plurality of design pages of said press ready file onto one or more print pages (paragraph [0030], lines 9-24, where the blinder's creep, which is the inaccuracies of the imposition, is being prevented by shifting the image and arranging it in pages of a job).

(14) regarding claim 26:

Roztocil '868 further discloses wherein said step of creating a press ready file at the designer location further comprises performing automated remote finishing setup of said press ready file to remotely select the desired finishing options for said press ready file when printed at said print service provider location to prepare finishing instructions to effect the same (Fig. 3 and Fig. 4, paragraph [0079], where the graphic user interface is allowing the designer to select the desired finishing options).

(15) regarding claim 29:

Roztocil '868 further discloses a system for managing workflow in a commercial printing environment including a designer location and a print service provider location (Fig.1 and Fig. 2), said system comprising:

means for creating a press ready file at the designer location using updated device configuration information from the print service provider location (paragraph [0027], lines 18-24, where the creation of the print ready file is done at the designer location (customer location paragraph [0022]) using device configuration information (the device configuration information at some point in time has to be updated into the system)) including performing an automated preflight check of the press ready file to identify errors in said press ready file (paragraph [0048], lines 1-6, where the job preparation includes job preparation stations (paragraph [0029]) and these at the same time performs the preflight check (paragraph [0030], lines 9-14, where the stations have capabilities to fix errors previously identified));

means for submitting said press ready file to the print service provider location via an electronic network (paragraph [0022], lines 8-13); and

means for performing at least one of automated printing, finishing (paragraph [0045], lines 1-6), packaging and shipping using said press ready file.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 9, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roztocil et al. (US Publication 2001/0044868) in view of Crandall et al. (US Patent 5,963,641).

(1) regarding claim 4:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space.

However, Crandall '641 teaches wherein said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space (column 3, lines 13-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space as taught by Crandall '641 in the system of Roztocil '868. With this it is attempt to alleviate some output problems by providing the users with tools to examine the document prior to printing as disclose in Crandall '641 column 3, lines 13-16.

(2) regarding claim 9:

Roztocil '868 disclose all the subject matter as described above except wherein said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file.

However, Crandall '641 teaches wherein said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file (column 1, lines 44-50 and column 5, lines 46-54, where the error report file contains a report of the errors of the press ready file).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file as taught by Crandall '641 in the system of Roztocil '868. With this it is attempt to alleviate some output problems by providing the users with tools to examine the document prior to printing as disclose in Crandall '641 column 3, lines 13-16.

(3) regarding claim 18:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space.

However, Crandall '641 teaches wherein said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space (column 3, lines 13-26).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: missing font, missing image, incorrect image resolution, missing crop marks, incorrect scaling, incorrect rotation, and incorrect color space as taught by Crandall '641 in the system of Roztocil '868. With this it is attempt to alleviate some output problems by providing the users with tools to examine the document prior to printing as disclose in Crandall '641 column 3, lines 13-16.

(4) regarding claim 23:

Roztocil '868 disclose all the subject matter as described above except wherein said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file.

However, Crandall '641 teaches wherein said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file (column 1, lines 44-50 and column 5, lines 46-54, where the error report file contains a report of the errors of the press ready file).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said automated preflight check of the press ready file includes generation of a report at the designer location of the identified errors in said press ready file as taught by Crandall '641 in the system of Roztocil '868. With this it is attempt to alleviate some output problems by providing the users with tools to examine the document prior to printing as disclose in Crandall '641 column 3, lines 13-16.

9. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roztocil et al. (US Publication 2001/0044868) in view of Gorp et al. (US Publication 2004/0252319).

(1) regarding claim 7:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks and missing packaging instructions.

However, Gorp '319 teaches wherein said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks (paragraph [0033], where it is disclosing the package device and paragraph [0036], lines 1-4, where it is reporting an error with the packaging device) and missing packaging instructions.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks and missing packaging instructions as taught by Gorp '319 in the system of Roztocil '868. Hence, a need exists for an enhanced technique for printing a document using multiple resources, tracking the document at all stages, and compiling the document while maintaining superior integrity at all times as disclose in Gorp '319 paragraph [0005], lines 5-8.

(2) regarding claim 21:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks and missing packaging instructions.

However, Gorp '319 teaches wherein said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks (paragraph [0033], where it is disclosing the package device and paragraph [0036], lines 1-4, where it is reporting an error with the packaging device) and missing packaging instructions.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: inappropriate packaging device attached to selected press and finishing device at print service provider location, nonfunctional selected packaging device, selected packaging device incapable of performing required tasks and missing packaging instructions as taught by Gorp '319 in the system of Roztocil '868. Hence, a need exists for an enhanced technique for printing a document using multiple resources, tracking the document at all stages, and compiling the document while maintaining superior integrity at all times as disclose in Gorp '319 paragraph [0005], lines 5-8.

10. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roztocil et al. (US Publication 2001/0044868) in view of Tibbs et al. (US Publication 2002/0010689).

(1) regarding claim 8:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations and of final output and invalid automated courier selected.

However, Tibbs '689 teaches wherein said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations (paragraph [0033], lines 5-8, where the shipping information is being interpreted as containing recipient names and destinations) and of final output and invalid automated courier selected.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations and of final output and invalid automated courier selected as taught by Tibbs '689 in the system of Roztocil '868. With this, it is intended to improved the method and system for handling returns as disclose in Tibbs paragraph [0005], thus making the system more reliable.

(2) regarding claim 22:

Roztocil '868 disclose all the subject matter as described above except wherein said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations and of final output and invalid automated courier selected.

However, Tibbs '689 teaches wherein said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations (paragraph [0033], lines 5-8, where the shipping information is being interpreted as containing recipient names and destinations) and of final output and invalid automated courier selected.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said errors comprise at least one of: missing shipping instructions, missing list of recipient names and destinations and of final output and invalid automated courier selected as taught by Tibbs '689 in the system of Roztocil '868. With this, it is intended to improved the method and system for handling returns as disclose in Tibbs paragraph [0005], thus making the system more reliable.

11. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roztocil et al. (US Publication 2001/0044868) in view of Smith (US Patent 6,441,920).

(1) regarding claim 10:

Roztocil '868 disclose all the subject matter as described above except wherein said automated preflight check of the press ready file includes generation of alarms discernable at the designer location corresponding to the identification of errors in said press ready file.

However, Smith '920 teaches wherein said automated preflight check of the press ready file includes generation of alarms discernable at the designer location corresponding to the identification of errors in said press ready file (column 9, lines 7-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said automated preflight check of the press ready file includes generation of alarms discernable at the designer location corresponding to the identification of errors in said press ready file as taught by Smith '920 in the system of Roztocil '868. With this the user can be informed about errors in the data, thus making the system user-friendlier.

(2) regarding claim 24:

Roztocil '868 disclose all the subject matter as described above except wherein said automated preflight check of the press ready file includes generation of alarms

discernable at the designer location corresponding to the identification of errors in said press ready file.

However, Smith '920 teaches wherein said automated preflight check of the press ready file includes generation of alarms discernable at the designer location corresponding to the identification of errors in said press ready file (column 9, lines 7-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said automated preflight check of the press ready file includes generation of alarms discernable at the designer location corresponding to the identification of errors in said press ready file as taught by Smith '920 in the system of Roztocil '868. With this the user can be informed about errors in the data, thus making the system user-friendlier.

12. Claims 13-14 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roztocil et al. (US Publication 2001/0044868) in view of Stewart et al. (US Patent 6,714,964).

(1) regarding claim 13:

Roztocil '868 disclose all the subject matter as described above except wherein said step of creating a press ready file at the designer location further comprises performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location and to prepare packaging instructions to effect the same.

However, Stewart '964 teaches wherein said step of creating a press ready file at the designer location further comprises performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location (column 8, lines 39-44, where servicing on the completed jobs includes wrapping the documents to be shipped as well as boxing the documents) and to prepare packaging instructions to effect the same (column 8, lines 39-44, where servicing is being interpreted as containing instructions for packaging).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said step of creating a press ready file at the designer location further comprises performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location and to prepare packaging instructions to effect the same as taught by Stewart '964 in the system of Roztocil '868. In doing so, as copy centers do not afford the consumer the ability to preview a document prior to completion of the service, this not only increases the time for copying and reproduction, but also inevitably increases the costs to both the consumer and the service provider as disclosed by Stewart '964 column 2, lines 13-24.

(2) regarding claim 14:

Roztocil '868 disclose all the subject matter as described above except wherein said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select

the desired shipping options for said press ready file when printed at said print service provider location and to prepare shipping instructions to effect the same.

However, Stewart '964 teaches wherein said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select the desired shipping options for said press ready file when printed at said print service provider location col. 8, lines 39-44, where servicing on the completed jobs includes shipping or delivery of the documents) and to prepare shipping instructions to effect the same (col. 8, lines 39-44, where servicing is being interpreted as containing instructions for servicing).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select the desired shipping options for said press ready file when printed at said print service provider location and to prepare shipping instructions to effect the same as taught by Stewart '964 in the system of Roztocil '868. In doing so, as copy centers do not afford the consumer the ability to preview a document prior to completion of the service, this not only increases the time for copying and reproduction, but also inevitably increases the costs to both the consumer and the service provider as disclose by Stewart '964 column 2, lines 13-24.

(3) regarding claim 27:

Roztocil '868 disclose all the subject matter as described above except wherein said step of creating a press ready file at the designer location further comprises

performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location and to prepare packaging instructions to effect the same.

However, Stewart '964 teaches wherein said step of creating a press ready file at the designer location further comprises performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location (column 8, lines 39-44, where servicing on the completed jobs includes wrapping the documents to be shipped as well as boxing the documents) and to prepare packaging instructions to effect the same (column 8, lines 39-44, where servicing is being interpreted as containing instructions for packaging).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said step of creating a press ready file at the designer location further comprises performing automated remote packaging setup of said press ready file to remotely select the desired packaging options for said press ready file when printed at said print service provider location and to prepare packaging instructions to effect the same as taught by Stewart '964 in the system of Roztocil '868. In doing so, as copy centers do not afford the consumer the ability to preview a document prior to completion of the service, this not only increases the time for copying and reproduction, but also inevitably increases the costs to both the consumer and the service provider as disclose by Stewart '964 column 2, lines 13-24.

(4) regarding claim 28:

Roztocil '868 disclose all the subject matter as described above except wherein said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select the desired shipping options for said press ready file when printed at said print service provider location and to prepare shipping instructions to effect the same.

However, Stewart '964 teaches wherein said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select the desired shipping options for said press ready file when printed at said print service provider location col. 8, lines 39-44, where servicing on the completed jobs includes shipping or delivery of the documents) and to prepare shipping instructions to effect the same (col. 8, lines 39-44, where servicing is being interpreted as containing instructions for servicing).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said step of creating a press ready file at the designer location further comprises performing automated remote shipping setup of said press ready file to remotely select the desired shipping options for said press ready file when printed at said print service provider location and to prepare shipping instructions to effect the same as taught by Stewart '964 in the system of Roztocil '868. In doing so, as copy centers do not afford the consumer the ability to preview a document prior to completion of the service, this not only increases the time for copying and reproduction, but also inevitably increases the costs to both the consumer and the service provider as disclose by Stewart '964 column 2, lines 13-24.

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 1, 4-14, 15 and 18-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 11, 13, 15, 17, 19-26, 29, 31, 33, 35 and 37 of copending Application No. 10/635530. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 4-14, 15 and 18-29 in the present application are directed towards performing automated preflight check of a press ready file, whereas claims 1-8, 11, 13, 15, 17, 19-26, 29, 31, 33, 35 and 37 of the referenced copending application are directed towards performing a preflight check of a press ready file. It appears to the examiner that these limitations (automated preflight check in view of a preflight check)

are obvious variations of each other since a preflight check could be an automated preflight check.

For example regarding claim 1 with regards to application 10/635530:

A method of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising (claim 1, lines 1-3):

creating a press ready file at the designer location using updated device configuration information from the print service provider location (claim 1, lines 4-6) including performing a preflight check of the press ready file to identify errors in said press ready file (claim 1, lines 9-11);

submitting said press ready file to the print service provider location via an electronic network (claim 1, lines 7-8); and

performing at least one of automated printing, finishing, packaging and shipping using said press ready file (claim 1, lines 12-13).

The difference between '530 and the present application is that the system is performing the preflight check, automatically. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of '530 application as a general teaching for a workflow managing method to perform the same functions as claimed by the present application and add the automated preflight function because preflight is added to help users.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

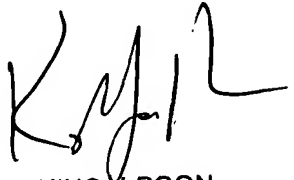
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
6/21/07


KING Y. POON
PRIMARY EXAMINER